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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 21 April 2010 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005), and has the honour to hereby transmit the report of Denmark pursuant to paragraph 5 of Security Council resolution 1891 (2009) concerning the Sudan (see annex).

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Annex to the note verbale dated 21 April 2010 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

Report of Denmark submitted pursuant to paragraph 5 of Security Council resolution 1891 (2009)

1. Denmark and the other member States of the European Union have jointly implemented the restrictive measures against the Sudan imposed by Security Council resolutions 1556 (2004) and 1591 (2005) by taking the following common measures:

- Council Common Position 2005/411/CFSP of 30 May 2005 repealing Common Position 2004/31/CFSP, and as amended by Council Decision 2006/386/CFSP.

  The Common Position sets out the European Union's commitment to implement all the measures contained in Security Council resolutions 1556 (2004) and 1591 (2005), and provides the basis for European Union-specific implementation measures within the scope of the resolutions, notably:

  - complete arms embargo
  - prevention of the direct or indirect supply of weapons, military equipment, technical assistance, training, financial and other assistance, related to military activities, or to the supply of arms, to persons, entities or bodies in the Sudan
  - travel ban for persons designated by the sanctions Committee
  - asset freeze of funds owned or controlled by persons and entities designated by the sanctions Committee.

  The Common Position establishes, for the purpose of the travel ban and the asset freeze, the list of persons and entities in accordance with determinations decided by the Security Council in resolution 1672 (2006).

- Council Regulation (EC) No. 131/2004 of 26 January 2004, as amended by Council Regulation (EC) No. 1353/2004 of 26 July 2004; Commission Regulation (EC) No. 1516/2004 of 25 August 2004; Council Regulation (EC) No. 838/2005 of 30 May 2005; Commission Regulation (EC) No. 1354/2005 of 17 August 2005; and Council Regulation (EC) No. 1791/2006 of 20 November 2006.

  The Council Regulation and amendments provide for the implementation, in the European Community, of the ban of the direct or indirect supply of weapons, military equipment, technical assistance, training, financial and other assistance, related to military activities, or to the supply of arms, to persons, entities and bodies in the Sudan, with certain exemptions as provided for in Security Council resolution 1556 (2004).

- Council Regulation (EC) No. 1184/2005 of 18 July 2005, as amended by Commission Regulation (EC) No. 760/2006 of 18 May 2006; Council Regulation (EC) No. 1791/2006 of 20 November 2006; and Commission Regulation (EC) No. 970/2007 of 17 August 2007.

Within the European Community, financial restrictions are implemented by Council Regulations and amendments. The Council Regulations are directly legally binding with respect to national implementation among European Union member States of the freezing of funds and economic resources of persons, entities and bodies as designated by the sanctions Committee and the prohibition of making funds or economic resources available to such persons, entities or bodies, with certain exemptions as provided for in Security Council resolution 1591 (2005).

2. In addition, the competent Danish authorities will apply the following Danish legislation in implementing the restrictive measures against the Sudan imposed by the Security Council in resolutions 1556 (2004) and 1591 (2005) concerning a travel ban and arms and related materials:

The Danish Aliens Act empowers the competent Danish authorities to impose entry and transit restrictions on persons designated by the sanctions Committee. The necessary instructions will be issued immediately after the designation of such persons.

According to section 7 a of the Danish Weapons Act, it is prohibited to transport weapons of any kind and defence-related material etc. between third countries (i.e. countries other than Denmark), when the recipient country is listed in the Government Order on Transportation of Weapons etc. between Third Countries. The list includes all countries that are under a United Nations, European Union or Organization for Security and Cooperation in Europe arms embargo.

According to section 7 b (1) of the Danish Weapons Act it is likewise prohibited, without a specific licence from the Minister of Justice, as a broker to negotiate or arrange transactions that involve the transfer of weapons etc., as defined in section 6, between countries outside the European Union. Furthermore, it is prohibited to buy or sell weapons etc., as defined in section 6, as part of a transfer between countries outside the European Union, or, as the owner of the weapons etc., to arrange such transfer. According to section 7 b (2) the prohibition does not apply to acts performed in another European Union member State or to acts performed outside the European Union by persons with permanent residence outside Denmark.

According to section 6 of the Danish Weapons Act it is prohibited, without a specific licence from the Minister of Justice, to export weapons of any kind and defence-related material etc. Section 6 applies to any situation where items are transferred from Denmark to a third country no matter whether the transfer takes place in relation to export, transit, trans-shipment or re-export. Export licences will not be issued to countries in violation of Security Council resolutions 1556 (2004) and 1591 (2005).

Violations of the above-mentioned rules are a criminal offence punishable by fine or imprisonment; see Danish Weapons Act section 10 and, in aggravating circumstances, section 192 (a) of the Danish Penal Code.